

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CRUISE K. SMITH,)	
ID # 2220920,)	
Petitioner,)	
)	
vs.)	No. 3:20-CV-1139-D
)	
DIRECTOR, Texas Department of Criminal)	
Justice, Correctional Institutions Division,)	
Respondent.)	

ORDER


After reviewing all relevant matters of record in this case, including the April 7, 2023 findings, conclusions, and recommendation of the United States Magistrate Judge, in accordance with 28 U.S.C. § 636(b)(1), the court is of the opinion that the findings and conclusions of the magistrate judge are correct and they are adopted as the findings and conclusions of the court. For the reasons stated in the findings, conclusions, and recommendation of the United States Magistrate Judge, the Petition for a Writ of Habeas Corpus by a Person in State Custody, received on April 22, 2020, is denied with prejudice.

In accordance with Fed. R. App. P. 22(b) and 28 U.S.C. § 2253(c), and after considering the record in this case and the recommendation of the magistrate judge, the petitioner is denied a certificate of appealability. The court adopts and incorporates by reference the magistrate judge's findings, conclusions, and recommendation in support of its finding that the petitioner has failed to show (1) that reasonable jurists would find this court's "assessment of the constitutional claims debatable or wrong," or (2) that reasonable jurists would find "it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable whether [this Court] was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Because the petitioner obtained leave to proceed *in forma pauperis* in this court, he is entitled to proceed *in forma pauperis* on appeal without further authorization. *See* Fed. R. App. P. 24(a)(3).

SO ORDERED.

May 9, 2023.



SIDNEY A. FITZWATER
SENIOR JUDGE